1947.

File No. Payment of wages II/47

Legal **DEPARTMENT**

B **BRANCH**

Subject:—

Rules and Notifications

under

the payment of wages Act 1936.

P & F

File No. Payment of wages II/47

Std. Sectt. Slip 24 E...e.

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NOTIFICATION.

Political and Services Department,
Bombay Castle, 1947.

Payment of Wages Act, 1936.

No.6378/34.- The following draft of a notification which the Government of Bombay proposes to issue, in exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (IV of 1936), is published as required by sub-section (5) of the said section 26 for the information of all poersons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the .....*..... 1947.

*Here insert a date which shall not be less than 3 months from the date on which the draft is published.

2. Any objections or suggestions which may be received by the Chief Secretary to the Government of Bombay, Political and Services Department, from any persons with respect to the said draft before the date aforesaid will be considered by Government.

Draft Notification.

In exercise of the powers conferred by section 26 of the Payment of Wages Act, 1936 (IV of 1936), the Government of Bombay is pleased to amend the Bombay Payment of Wages (Minor and Indian State Railways) Rules, 1937, as follows, namely:-

I. In the said Rules —

1. In sub-rule (2) of rule 1, after the words "Railway Administration" the words and figures "or by a contractor employing, on an average, 20 or more persons a daily in any one month in the preceding 12 months" shall be inserted.

2. In rule 2 —

(i) in clause (k) after the word and figure "section 3" the words "and in the case of persons employed by a contractor, the contractor" shall be inserted;

(ii) clause (m) shall be relettered as clause "b)" and before this clause as so relettered the following clauses shall be inserted, namely:-

~~"(a) 'Contractor' means a person fulfilling, either directly or through a sub-contractor, a contract with a Railway Administration;~~

"(m) 'Contractor' means a person fulfilling, either directly or through a sub-contractor, a contractor with a Railway Administration;

(n) 'Employer' means the Railway Administration, and in the case of persons by a contractor, the contractor;"

3. In sub-rule (1) of rule 3 for the words "of which the railway administration" the words "where the employer" shall be substituted.

4. In rule 5 —

(i) for the words "Railway Administration" the word "employer" shall be substituted;

(ii) in clause (c), after the words "wage period" the words "and the date of payment" shall be inserted.

5. In rule 6, after the words "made in them" the following shall be inserted, namely:-

"The registers shall normally be maintained in English, but where they are maintained in any other language than English, a true translation thereof in English shall be

shall be made available."

6. In rule 10 —

(i) for the words "Railway Administration" wherever they occur the word "employer" shall be substituted;

(ii) in clause (b) for the words "itself" and "its" the words "himself" and "his" respectively shall be substituted.

7. In rule 11 —

for the words "Railway Administration" the word "employer" shall be substituted.

8. In rule 12 —

(i) for the words "Railway Administration" the word "employer" shall be substituted;

(ii) for the words and figure "approved under rule 11" the words and figure "of acts and omissions approved by the authority prescribed under rule 9" shall be substituted.

9. For rule 13 the following rule shall be substituted, namely:-

"13. Persons authorised to impose fines.-

(1) No fine may be imposed upon a person, employed by a Railway Administration, by any person other than the Railway Administration, or by a person holding an appointment named in the list referred to in clause (b) of rule 10.

(2) In the case of persons employed by a contractor, no fines may be imposed by any person other than the contractor:

Provided that a contractor who runs more than one establishment in two or more localities, and who employs not less than 50 persons in one locality, may, with the approval of the Supervisor, delegate his

power to fine to his representative in that locality."

10. (i) Rule 14 shall be renumbered as sub-rule (1) of that rule, and in sub-rule (1) as so re-numbered for the words "upon a railway" the words "by a Railway Administration" shall be substituted.

(ii) After sub-rule (1) as so renumbered, the following sub-rule shall be inserted, namely:-

"(2) No fine shall be imposed on an no deduction for damage or loss shall be made from the wages of a person employed by a contractor until the person authorised to impose the fine or make the deduction has explained personally to the said person the act or omission or damage or loss, in respect of which the fine or deduction is proposed to be imposed and the amount of the fine or deduction, which it is proposed to impose, and has heard his explanation in the presence of at least one other person."

11. In rule 15, after the word "shall" the words and brackets "(unless such person is the paymaster)" shall be inserted.

12. In rule 17, for the portion beginning with the words "Every Railway Administration and ending with the words "from wages" the following shall be substituted, namely:-

"When during any year ending the 31st March any fines have been imposed on, or any deductions for breach of contract or for damage or loss have been made from wages of any persons employed by an employer, such employer".

13. Rules 18, 19 and 20 ~~shall be~~

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shall be renumbered as rules 19, 20 and 21, respectively, and before rule 19 as so renumbered the following rule shall be inserted, namely:-

"19. Advances to persons employed by a contractor.- (1) An advance of wages not already earned shall not ordinarily exceed the amount equal to two calendar months' wages of the employed person. In exceptional cases the amount of such advance may, with the previous sanction of the Supervisor, be made to the extent of four calendar months' wages.

(2) The advance may be recovered in instalments by deductions from wages spread over not more than 12 months in the case of special advance. In no case shall the amount of instalment exceed 1/4th of the wages earned in one month.

(3) The amounts of all advances sanctioned and the payments thereof shall be entered in a register in Form VF

II. After Form IV of the Forms appended to the said Rules, the following Form shall be inserted, namely:-

P.T.O.

FORM V.

REGISTER OF ADVANCES MADE TO EMPLOYED PERSONS.

Name of contractor .....

Serial No.	Name.	Father's name.	Department.	Date and amount of advance made.	Purpose(s) for which advance made.	Number of instalments by which advance to be repaid.	Postponements granted.	Date on which total amount repaid.	Remarks.
1	2	3	4	5	6	7	8	9	10.

By order of the Governor of Bombay,

Chief Secretary to Government.

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Office of the R.L.A.

The draft notification at pages 15-17 ante as amended is in order.

2. As required by section 26(3) of the Payment of Wages Act, 1936, the date to be specified as the date on or after which the draft will be taken into consideration should not be less than three months from the date on which the proposed draft is published.

Sd. S.B.Palekar,
for Remembrancer of Legal Affairs.

U.R.to P.& S.D.,No.9727, dated the 6th October 1947.

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